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10/647,638

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Carl Razza

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EXAMINER

MURRAY, DANIEL C

ART UNIT

PAPER NUMBER

2109

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/647,638

Applicant(s)

RAZZA ET AL.

Examiner

Daniel Murray

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25AUG2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25AUG2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 25AUG2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on 25AUG2003 has been considered by the Examiner and made of record in the application.

Drawings

2. The drawings are objected to because figure 1 shows two double-headed arrow on the left side of the router 114 that do not have reference number or labels and are not mentioned in the specification.
3. The drawings are objected to because figure 1 shows a dashed arrow connecting thin client 100 and monitor 102 indicating the direction of data flow opposite that mentioned in the specification.
4. The drawings are objected to because in figure 1 element 106 is not labeled "Network Interface" as in figure 2.
5. The drawings are objected to because figure 2 shows an arrow entering and an arrow leaving signal processing 210 that do not have reference number or labels and are not mentioned in the specification.
6. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing are labeled by hand and are considered informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to

the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.

Examples of some unclear, inexact or verbose terms used in the specification are:

- Page 1 paragraph [0005] line 6, switch "directly" with "Flash cards" in order to improve clarity.

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- Page 1 paragraph [0005] line 6, insert --player-- after “DVD” in order to improve clarity.
- Page 3 paragraph [0017] lines 2 and 5, insert --player-- after “DVD” in order to improve clarity.
- Page 5 paragraph [0027] line 5, replace “106” with --108--.
- The terms “port” and “interface” are used interchangeably throughout the disclosure e.g. “network port 106” (page 4 paragraph [0024] line 2) and “network interface 106” (page 5 paragraph [0025] line 5) the terms should be applied consistently and correctly in order to maintain clarity and exactness.

Revision is necessary. Appropriate corrections are required.

9. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

10. **Claims 2-10** are objected to because of the following informalities:

a) On **line 1** of **claims 2-10**, replace “A” with --The-- before “thin client” in order to provide proper antecedent basis for “thin client”.

b) On **line 2** of **claim 2**, “the data interface” lacks proper antecedent basis. For the purposes of examination “the data interface” has been interpreted as “network port”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. **Claims 1-6 and 8-10** are rejected under 35 U.S.C. 102(e) as being anticipated by **Willis (US Patent Publication # US 2004/0043819 A1)**.

a) Consider **claim 1**, Willis clearly shows and discloses, a thin-client device 100 (gaming console)(abstract, paragraph [0008] lines 6-19, paragraph [0016] line16) for use in a home network (abstract, paragraph [0007] lines 1-4, lines 15-17, paragraph [0008] line 5, paragraph [0016] lines 25-28) comprising: a network port 130 (transceiver)(abstract, paragraph [0007] lines 15-17, paragraph [0016] lines 25-28) configured to connect the thin client device 100 to the home network; and a data/memory port 110 (storage medium)(figure 1, abstract, paragraph [0007] lines 7-9, paragraph [0016] lines 25-28), coupled to the network port 130 (figure 1, abstract, paragraph [0016] lines 25-28); whereby data available at the data/memory port 110 is transferred to the home network via the network port 130 (paragraph [0016] lines 25-28).

b) Consider **claim 2**, and as applied to claim 1 above, Willis clearly shows and discloses, a thin client device 100 according to claim 1, further including a means for automatically transferring data from the data interface 130 to the server (remote external storage medium)(paragraph [0016] lines 17-25).

c) Consider **claim 3**, and as applied to **claim 1** above, Willis clearly show and disclose, a thin client device 100 according to claim 1 further including a controller 120 (processor)(figure 1, abstract, paragraph [0016] line 4), coupled to the network port 130 and the data/memory port 110 (figure 1, paragraph [0007] lines 9-22, paragraph [0008] lines 1-5, paragraph [0016] lines 13 -28 lines 32-40 lines 47-51); a control interface, coupled to the controller (figure 1), and configured to receive commands to control transfer of data from the data/memory port 110 to the home network (figure 1, abstract, paragraph [0007] lines 9-24, paragraph [0008] lines 4-19, paragraph [0016] lines 32-40).

d) Consider **claim 4**, and as applied to **claim 1** above, a thin client device 100 according to claim 1 further including signal processing apparatus 120 (processor) configured to process the data available at the data/memory port 110 (figure 1, abstract, paragraph [0007] lines 20-22, paragraph [00016] lines 17-23).

e) Consider **claim 5**, and as applied to **claim 1** above, a thin client device according to claim 1, wherein the data/memory port 110 is a memory card 140 (external storage medium)(figure 1, abstract, paragraph [0007] lines 7-9, paragraph [0008] lines 6-7, paragraph [0016] lines 32-40 lines 47-51) interface.

f) Consider **claim 6**, and as applied to **claim 1** above, Willis clearly shows and discloses, a thin client device 100 according to claim 1, wherein the data/memory port 110 is a data communications port (paragraph [0016] Willis clearly shows the data/memory port is used for the purpose of data communication).

g) Consider **claim 8**, and as applied to **claim 1** above, a thin client device 100 according to claim 1, wherein the client device 100 is integrated with a television set-top box (title, figure 1, abstract, paragraph [0007] lines 22-24, paragraph [0008] lines 1-3 lines 15-19, paragraph [0019] lines 7-9).

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h) Consider **claim 9**, and as applied to **claim 1** above, Willis clearly shows and discloses, a thin client device 100 according to claim 1, wherein the thin client device is integrated with a television receiver 150 (inherent from the teaching of Willis because the game console and thus the set-top box being emulated, is connected to a television receiver 150, therefore integrated with the television receiver 150)(figure 1, abstract, paragraph [0007] lines 22-24, paragraph [0016] lines 40-45).

i) Consider **claim 10**, and as applied to **claim 1** above, a thin client device according to claim 1, wherein the client device is integrated with a compact disc (CD) player (paragraph [0016] lines 32-36).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

16. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Willis (US Patent Publication # US 2004/0043819 A1)**.

a) Consider **claim 7**, and as **applied to claim 1** above, Willis clearly shows and discloses, a thin client device 100 according to claim 1. However Willis does not specifically disclose that the thin-client device 100 is integrated with a digital versatile disc (DVD) player. Willis does show that any type of other storage medium can be used (paragraph [0016] lines 32-36).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the thin client device of Willis into a DVD player for the purpose of allowing the use of DVDs as an external storage medium.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nahi et al. (US Patent # 6,052,120) discloses: "Method of Operating a Portable Interactive Graphics Display Tablet and Communications Systems"

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- Nahi et al. (US Patent # 6,084,584) discloses: "Computer System Supporting Portable Interactive Graphics Display Tablet and Communications Systems"
- Janik (US Patent Pub # US 2002/0013852 A1) discloses: "System for Providing Content, Management, and Interactivity for Thin Client Devices"
- Bharadwaj (US Patent Pub # US 2002/0032751 A1) disclosure: "Remote Displays in Mobile Communication Networks"

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Murray whose telephone number is (571)-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on (571)-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCM

